IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Crl.MC.No. 1961 of 2007()

CP.6/2007 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOLLAM
CRIME NO.4/2006 OF KOTTIYAM POLICE STATION

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PETITIONER: ACCUSED:
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1. SIVAJI, S/O. BHASKARA PILLAI,
AGED 28 YEARS, PANCHOMVEETTILTHEKKATHIL,
NEAR PERUMKULAM ELA, VETTILATHAZHAM CHERRY,
THRIKKOVILVATTOM VILLAGE, KOLLAM DISTRICT.

2. SUNILKUMAR @ CHANDU, S/O.GOPALAKRISHNAN,
AGED 30 YEARS, GURUBHAVAN, NEAR CO-OPERATIVE
HOSPITAL, CHENTHAPPUR CHERRY, THRIKKOVILVATTOM
VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI. K.SIJU

RESPONDENTS: STATE:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KOTTIYAM POLICE STATION THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1961 of 2007

Dated this the 19th day of June 2007

O R D E R

The petitioners face indictment for offences punishable inter alia under Section 308 read with 149 I.P.C. The petitioners have received summons to appear before the committal court. The petitioners apprehend that when they appear, their application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. The petitioners have received summons and are appearing in pursuance of the summons issued. I am certainly of the opinion that the learned Magistrate must consider the application for bail on merits, in accordance with law and expeditiously.

2. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioners on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339].

3. In the result, this Criminal Miscellaneous Case is dismissed but with the specific observation that if the petitioners surrender before the learned Magistrate and apply for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

Hand over copy of this order to the learned counsel for the petitioners.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007